Maine's Public Universities
UNIVERSITY OF MAINE SYSTEM

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June 10, 2009

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, D.C. 20554

Re: WT Docket No. 03-66; Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands

Dear Ms. Dortch:

The University of Maine System ("University") urges the Commission to move forward quickly with its decision on EBS white space licensing, and to adopt rules as proposed by the National EBS Association ("NEBSA"), as reflected in NEBSA's original comments in this proceeding, as well as its ex parte submission of June 5, 2009.

The University is a public university system comprised of seven campus and 10 outreach centers throughout the State of Maine. It has licensed, constructed and operated an EBS educational video system which uses 26 EBS stations located throughout the State. The University's EBS network was constructed with substantial financial investment by the University, the State of Maine, and the Public Telecommunications Facilities Program of the National Telecommunications and Information Administration, U.S. Department of Commerce.

The University has effectively used its EBS network for more than 20 years to provide college coursework leading to recognized certificates and accredited college degrees to citizens throughout the state, including those living in its most rural and inaccessible areas. The State of Maine is a rural state with challenging terrain; a dispersed population; lower than average per-capita income; and insufficient broadband options. Distance education continues to be a critical need that the

University must address. Because of the costs associated with the mandated transition to the new EBS band plan, the University is exploring alternatives to delivering video coursework. Most distance learning alternatives necessitate a wider distribution of broadband services, and such services could be expanded if a state-wide wireless broadband network were deployed.

The University's EBS network was designed to provide a site-based, point to multipoint video service. Each station was engineered to provide coverage to specific areas. The resulting EBS station Geographic Service Areas (GSAs) provide a patchwork quilt of coverage, with significant gaps of white space between stations that make it nearly impossible to provide a contiguous wireless broadband infrastructure plan across the state.

The University believes that allowing it to fill in those coverage gaps will best facilitate the deployment of a statewide broadband system over EBS capacity. Therefore, the University has strongly supported, and continues to support, the original NESBA EBS white space comments which rely on GSA expansion for existing stations (but with significant additional application opportunities for others).

As NESBA points out in its June 5 filing, if a white space licensing plan were to be implemented based on the Catholic Television Network's June 1, 2009 proposal, agencies and institutions such as the University, and the people they serve, would be disadvantaged as they would be limited in each application window to applying for only one channel group in the white space of one BTA. The University would be thus unable to fill in most of the coverage gaps between its stations. At the same time, the supposed application opportunities contemplated by CTN for newcomers are largely illusory in Maine, as the bits and pieces of white space are small, irregularly shaped and non-contiguous areas, and would have little viability in being separately licensed to others. CTN's plan would most likely impede the development of ubiquitous EBS wireless broadband deployment, not advance it.

As noted, the University prefers the original NESBA white space licensing plan. However, if the FCC decides not to adopt the NEBSA approach, and if it determines to implement a solution based on the CTN proposal, all parties filing applications in the windows should be permitted to file for more applications than just one. While the University would prefer the right to try to apply to expand all its licenses to cover its GSA gaps, it would reluctantly support permitting up to 10 applications in a window, as a "second best" solution.

The University also believes that the FCC should move quickly to adopt EBS white space rules, even in the absence of a consensus among all industry participants.

Respectfully submitted,

Ralph Caruso

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